



STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

LITTLETON TEACHERS ASSOCIATION,
NEA-NEW HAMPSHIRE

Complainant

and

JAMES B. CURRAN, in his capacity as
Superintendent, SAU No. 35 et al

Respondents

CASE NO. T-0241:2

DECISION NO. 82-05

APPEARANCES

Representing the Complainant, LTA:

John Fessenden, UniServ Director, Region V, NEA-NH
Robert J. Tiews, Jr., Chairman, Executive Board LTA

Representing the Respondents:

Roger Burlingame, Esquire
David E. Harris, Chairman, Littleton School District
David Machell, Littleton Administrator
James B. Curran, Superintendent

COMPLAINT

In a complaint filed with the PELRB on September 21, 1981 the Littleton Teachers Association, NEA-New Hampshire, charges unfair labor practices on the part of Littleton School Board Chairperson, David Harris, relative to RSA 273-A:5 I(a) which states that:

"273-A:5 Unfair Labor Practices Prohibits

I. It shall be a prohibited practice for any public employer:

(a) To restrain, coerce or otherwise interfere with its employees in the exercise of the rights conferred by this chapter;"

The Littleton Teachers Association, NEA-New Hampshire, specifically claims that Chairperson Harris, violated RSA 273-A:5 I(a) by telephoning

Mr. Robert Tiews, chairperson Littleton Teachers Assn/NEA-NH and making the following statements:

"He said, he did not want Mr. Tiews or the Association involved in personnel matters unless it is a formal grievance or a case of a teacher being disciplined. The Littleton School Board has the final authority and can reassign anybody, any time, any place. He further stated, that teachers are nothing more than pawns."
(from complainant's petition)

On December 10, 1981 a hearing was held on this charge at the Board's office in Concord, N. H.

BACKGROUND

Mr. Tiews, chairperson of the Littleton Teachers Association, NEA-New Hampshire had recently been involved in a grievance case (Gardner) involving Principal McCarthy and also had recently had conversations with Principal McCarthy involving the assignment of another teacher from kindergarten to grade two (Aldrich) and had generally been quite active in representing teachers in the Littleton Teachers Association.

FINDINGS OF FACT

On August 26, 1981, Mr. David Harris, chairperson of the Littleton School Board did call Mr. Tiews at approximately 10 p.m.

Each party disagreed on the time of the conversation with Mr. Harris characterizing the conversation as informational from his standpoint; Mr. Tiews characterizing it as an "attempt to intimidate" him.

Both parties agreed that the telephone conversation included the subject of the recent transfer of the teachers but disagreed on who first used the expression "pawns" and to what effect.

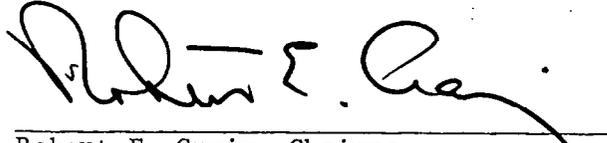
In testimony, both parties agreed that the subject of Mr. Tiews' involvement during the "informal" phase of problem(s) resolution was an issue of disagreement between them. Mr. Harris stating that he preferred LTA representatives involved only in formal grievance process, allowing "informal" process to proceed between teacher and principal McCarthy and that he had discussed this with others and further, that this was his interpretation of their contract (Section A). Mr. Tiews testified that he was aware of the "informal process" in their contract for resolution of problems without filing a formal grievance, but felt it his duty to join in all phases of representation under the general representation clause of their contract. (Section II).

DECISION

No clear pattern of evidence was presented to show that any attempt (or its effect) to intimidate Mr. Tiews, in his capacity as Teachers' representative, took place.

Parties disagree on the extent of involvement of teachers' representatives in "informal" meetings to resolve differences. An "informal" process is agreed to in this contract, which also provides for a formal grievance procedure, assuring teachers representation in the latter process. Parties should seek clarification of their roles in the informal process through communication and negotiation.

The complaint (charge of unfair labor practice) is dismissed.

A handwritten signature in black ink, appearing to read "Robert E. Craig", written over a horizontal line.

Robert E. Craig, Chairman
Public Employee Labor Relations Board

Signed this 16th day of February, 1982.

Chairman Robert E. Craig presiding. By unanimous vote of Members, Hilliard, Mayhew, Osman. Also present, Evelyn C. LeBrun, Executive Director.